



Entered on Docket
August 30, 2010

Hon. Linda B. Riegle
United States Bankruptcy Judge

WILDE & ASSOCIATES

Gregory L. Wilde, Esq.
Nevada Bar No. 004417
212 South Jones Boulevard
Las Vegas, Nevada 89107
Telephone: 702 258-8200
bk@wildelaw.com
Fax: 702 258-8787

MARK S. BOSCO, ESQ.

Arizona Bar No. 010167
TIFFANY & BOSCO, P.A.
2525 East Camelback Road, Suite 300
Phoenix, Arizona 85016
Telephone: (602) 255-6000

The Bank of New York Mellon, fka The Bank of New York as Successor in interest to JP Morgan Chase Bank NA as Trustee for Structured Asset Mortgage Investments II Inc. Bear Stearns ALT-A Trust 2005-8. Mortgage Pass-Through Certificates, Series 2005-8
09-76265

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Ellie Baloaloe

Debtor

Bk Case No.: 09-26038-lbr

Date: 8/23/2010

Time: 10:30 am

Chapter 13

ORDER VACATING AUTOMATIC STAY

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the above-entitled bankruptcy proceedings is immediately vacated and extinguished for all purposes as to

1 Secured Creditor The Bank of New York Mellon, fka The Bank of New York as Successor in interest
2 to JP Morgan Chase Bank NA as Trustee for Structured Asset Mortgage Investments II Inc. Bear
3 Stearns ALT-A Trust 2005-8, Mortgage Pass-Through Certificates, Series 2005-8, its assignees and/or
4 successors in interest, of the subject property, generally described as 7593 S.Garden Galley, Las Vegas,
5 NV 89139.

6
7 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give
8 Debtor at least seven business days' notice of the time, place and date of sale.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Secured Creditor hereby
10 withdraws its secured Proof of Claim filed in this matter. The Secured Creditor shall notify the Trustee of
11 the completion of the foreclosure sale. If applicable, Secured Creditor may thereafter amend its secured
12 Proof of Claim to an unsecured Proof of Claim no later than forty-five (45) days after the foreclosure sale.

13 Submitted by:

14 **WILDE & ASSOCIATES**

15 By:  #10235

16 **Gregory L. Wilde, Esq.**

Attorney for Secured Creditor

17 **APPROVED / DISAPPROVED**

18 By: _____

19 Randolph Goldberg

20 Attorney for Debtor(s)

21 **APPROVED / DISAPPROVED**

22 By: _____

23 Kathleen A. Leavitt

Chapter 13 Trustee

24

25

26

1 In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately
2 reflects the court's ruling and that (check one):

3 ☐ The court has waived the requirements set forth in LR 9021(b)(1).

4 ☐ No party appeared at the hearing or filed an objection to the motion.

5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and
6 any unrepresented parties who appeared at the hearing, and each has approved or
7 disapproved the order, or failed to respond, as indicated below [list each property and
8 whether the party has approved, disapproved, or failed to respond to the document]:

9 ☒ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the
10 motion pursuant to LR 9014(g), and that no party has objected to the form or content of the
11 order.

12 Debtor's counsel:

13 ☐ approved the form of this order ☐ disapproved the form of this order

14 ☐ waived the right to review the order and/or ☒ failed to respond to the document

15 ☐ appeared at the hearing, waived the right to review the order

16 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

17 Trustee:

18 ☐ approved the form of this order ☐ disapproved the form of this order

19 ☐ waived the right to review the order and/or ☒ failed to respond to the document

20 ☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all
21 counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented
22 parties who appeared at the hearing, and each has approved or disapproved the order, or failed to
23 respond, as indicated below.

24 Debtor's counsel:

25 ☐ approved the form of this order ☐ disapproved the form of this order

26 ☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ appeared at the hearing, waived the right to review the order

☐ matter unopposed, did not appear at the hearing, waived the right to review the order

Trustee:

☐ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed
written objection.

Submitted by:

/s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor